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10/808,024	03/23/2004	Guy M. Benhaim	7019P001	5694

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EXAMINER	
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ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/808,024

Applicant(s)

BENHAIM ET AL.

Examiner

ALEXANDER BOAKYE

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-23 are objected to because of the following informalities:

In claim 6 (line 1), "adapted to" is not a positive recitation.

In claim 7 (line 1), "adapted to" is not a positive recitation.

In claim 8 (line 1), "adapted to" is not a positive recitation.

In claim 12 (lines 1-2), "adapted to" is not a positive recitation.

In claim 19 (line 1), "adapted to" is not a positive recitation.

In claim 20 (line 2), "capable" is not a positive recitation.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-8, 10-16, 18-20,24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US Patent # 6,636,527).

Regarding claim 1, Lee teaches an apparatus (Figs. 1-3) comprising: a transmitter (2) for transmitting information towards at least a first network unit (103) and a second network unit (103); a receiver (6) for receiving information transmitted from at least one network unit (column 3, line 37); and a media access controller (5) for issuing data grants (column 3, lines 24-27); wherein at least one data grant authorizes a first network unit to transmit data at a first bit-rate during at least one time-slot and at least one other data grant authorizes a second network unit to transmit data at a second bit-rate during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate (column 3, lines 1-30).

Regarding claim 2, Lee further teaches that a data grant authorizes a network unit to transmit at least one cell during at least one time-slot (column 3, lines 1-27).

Regarding claim 3, Lee further teaches that the cells are Asynchronous Transfer Mode cells (column 3, lines 1-15; see Figs. 2A and 2B).

Regarding claim 4, Lee further teaches that the first bit-rate (155.52Mbps) is much slower than the second bit-rate (column 3, lines 1-5; 622.08Mbps reads on the claimed second bit-rate).

Regarding claim 6, Lee further teaches that the receiver has at least one reception path adapted to receive information bursts of at least one bit-rate (column 4, lines 6-13).

Regarding claim 7, Lee further teaches adapted to receive information reflecting at least one bit-rate out of the first bit-rate and the second bit-rate (column 3, lines 1-5).

Regarding claim 8, Lee further teaches adapted to request a network unit (ONU) capable of transmitting at multiple bit-rates to transmit at certain bit-rate out of said multiple bit-rates (column 2, lines 62-63 and column 3, lines 1-10).

Regarding claim 10, Lee further teaches that the apparatus selects the certain bit-rate in response to bit-rates of the other network units that are coupled to the apparatus (column 7, lines 51-59).

Regarding claim 11, Lee further teaches that the apparatus selects the certain bit-rate in response to bandwidth requirements (column 7, lines 51-59).

Regarding claim 12, Lee further teaches that the receiver comprises a first path adapted to receive transmissions of a first bit-rate and further comprises a second path adapted to receive transmissions of a second bit-rate (column 3, lines 1-15).

Regarding claim 13, Lee teaches a method for allocating upstream

bandwidth of a shared upstream channel of an optical network, the optical network interconnecting an apparatus with at least a first network unit and a second network unit, the method comprising the stages of: receiving requests for transmitting information towards the apparatus entity (column 1, lines 53-60); and issuing data grants in response to the requests (column 3, lines 24-27); wherein at least one data grant authorizes a first network unit to transmit data at a first bit-rate during at least one time-slot and at least one other data grant authorizes a second network unit to transmit data at a second bit-rate during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate (column 3, lines 1-30).

Regarding claim 14, Lee further teaches that a data grant authorizes a network unit to transmit at least one cell during at least one time-slot (column 3, lines 1-27).

Claim 15 is met as previously discussed with respect to claim 3.

Claim 16 is met as previously discussed with respect to claim 4.

Regarding claim 18, Lee further teaches a stage of receiving, at the apparatus, information from at least one network (column 1, lines 53-60).

Regarding claim 19, Lee further teaches adapted to receive information reflecting at least one bit-rate out of the first bit-rate and the second bit-rate (column 3, lines 1-15).

Claim 20 is met as previously discussed with respect to claim 8.

Regarding 24, Lee teaches a computer readable medium having code embodied therein for causing an electronic device to perform the stages of: receiving requests for transmitting information from a network unit, over an optical network, towards an apparatus (column 1, lines 53-60); and issuing data grants in response to at least the requests (column 3, lines 24-27); wherein at least one data grant authorizes a first network unit to transmit data at a first bit-rate during at least one time-slot and at least one other data grant authorizes a second network unit to transmit data at a second bit-rate during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate (column 3, lines 1-30).

Allowable Subject Matter

3. Claims 5, 9, 17, 21-23 would be allowable if rewritten to overcome the objections, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Kuo et al. (US Patent # 7,031,343) discloses Point-to-point passive optical network that utilizes variable-length packets.

Kramer et al. (US Patent # 6,546,014) discloses method and system for dynamic bandwidth allocation in an optical access network.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (571) 272-3179. The Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or PUBLIC PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Electronic Business Center (EBC)** numbers at 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner


7/6/07